

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

&

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

RP.No. 95 of 2007

[AGAINST THE JUDGMENT IN W.A.NO. 1207/2005]

REVIEW PETITIONER/1ST RESPONDENT

DR.N.MADHAVAN NAMBOOTHIRI, AGED 64 YEARS
S/O.LATE.M.NARAYANAN NAMBOOTHIRI, RETIRED
SELECTION GRADE LECTURER(MALAYALAM) NOW RESIDING
AT SREESAILAM, SIVANKOVIL ROAD, THIRUVAMPADI,
ALAPPUZHA.

BY ADV. SRI.P.T.DINESH

RESPONDENTS/APPELLANTS 1 AND 2 /RESPONDENTS 2 TO 4 IN THE W.A.

1. UNIVERSITY GRANT COMMISSION REPRESENTED
BY SECRETARY, UNIVERSITY GRANTS COMMISSION,
BAHADURSHAH ZAFARMARG, NEW DELHI-110 002.
2. UNION OF INDIA REPRESENTED BY SECRETARY,
MINISTRY OF HUMAN RESOURCES DEVELOPMENT
(DEPARTMENT OF EDUCATION), 81 LODHI ESTATE,
NEWDELHI-3.
3. STATE OF KERALA, REPRESENTED BY
PRINCIPAL SECRETARY TO GOVERNMENT, HIGHER
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
4. THE ACCOUNTANT GENERAL (A & E) , THIRUVANANTHAPURAM.
5. THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM.

BY ADV. SRI.S.KRISHNAMOORTHY
GOVT. PLEADER SRI. BASANT BALAJI.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 08/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P.R. Raman & S. Siri Jagan, JJ.
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R.P. No. 95 of 2007
in
W.A.No. 1207 of 2005
==--==--==--==--==--==--==--==--==--==
Dated this, the 8th February, 2007.

O R D E R

The only contention raised in the review petition is that pursuant to the order passed by the the learned Single Judge, Annexure A4 order was passed extending the benefit to the petitioner based on the decision of the learned Single Judge. As such, it may be clarified that the writ appeal judgment will not stand in the way of the benefit being received by the petitioner and the Division Bench judgment will not affect his right to receive the same.

2. We have heard arguments on both sides.

3. The judgment of the learned Single Judge in O.P.No. 21953/2002 against which W.A.No. 1207/2005 was filed and final judgment was rendered on 31st July, 2006. Therefore, in compliance of the judgment of the learned Single Judge in the meantime is no reason to hold that the judgment in appeal should be reviewed. If at all the decision rendered in the writ appeal is wrong, the remedy of the petitioner is to file an appeal and not to file a review petition.

For the above reasons, the review petition is dismissed.

Sd/- P.R. Raman, Judge.

Sd/- S. Siri Jagan, Judge.

Tds/

[True copy]

P.S to Judge.